

**PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING / PUBLIC HEARING  
MAY 31, 2016**

Place: Auditorium

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Cameron, Cunningham, DiDonna, Olvany, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

**PUBLIC HEARING**

**Proposed Amendments to the Darien Zoning Map (COZM #3-2016) and Proposed Amendments to Darien Zoning Regulations (COZR #7-2016) put forth by Baywater Corbin Partners, LLC.**

Proposal to amend the Darien Zoning Map to create a new Corbin Subarea within the Central Business District (CBD). The proposed zoning regulation amendments would provide for larger, mixed use developments in the subarea. The regulation amendments would also allow for: redevelopment in the Corbin Subarea by Special Permit; a minimum building height of two stories and 25 feet, and a maximum building height of six stories and 95 feet if the building meets certain setbacks; 9' x 18' parking spaces, rather than the 9' x 20' parking spaces allowed elsewhere in Darien, and would require that Building Height be calculated differently in this zone than elsewhere in Darien. It would also require that public plaza space be provided, and sets out criteria and required features for such public plazas.

Attorney Robert Maslan represented the applicants and introduced the team of consultants working on the project and speakers for the evening. He said that they are proposing a new subzone and a new set of zoning regulations.

David Genovese of Baywater Properties said that they have worked on a number of projects in Town including: Eagle Rock which is in Tokeneke; Grove Street Plaza which was created by the redevelopment of properties along Grove Street and is now used for small concerts and other public functions; 1292 Boston Post Road at the bottom of Exit 11 northbound; 1020 Boston Post Road which is a redevelopment that has resulted in a three-story mixed use, retail, office and residential building; 17 Old King's Highway South which was redeveloped into a two-story office building; and 745 Boston Post Road which was a redevelopment project that is one story of offices on the ground floor and two stories of residential above. Mr. Genovese showed a slide indicating that the amount of restaurant and food service businesses in Darien has almost doubled since 2005. Another slide demonstrated this potential increase in taxes paid for properties such as 1020 Boston Post Road that have been redeveloped. He said that the South Western Regional Planning Agency has been suggesting improvements to the downtown Darien area for many years and the Connecticut Main Street Center Project in 2006 suggests the establishment of a Town Green. Even as far back as the 1951 Darien Town Plan of Development suggests a new street through the area that would approximately parallel Boston Post Road and would intersect with Corbin Drive. Mr. Genovese

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said that he has established a website regarding the proposed redevelopment of the downtown area and submitted a letter of support from the Architectural Review Board and another letter from the Town Historian. He referred to a postcard from 1951 that indicates that the visitor found that Darien does not have many shops or businesses.

Architect Gary Brewer showed slides illustrating the triangular area encompassed by the Boston Post Road, Corbin Drive and I-95. He said that the proposed redevelopment would result in many one-story buildings along the Boston Post Road being replaced with new three-story and higher buildings. The proposed concept would be supported by an underground parking area that has two levels. New interior streets or lanes will provide pedestrian and some vehicular access to the new business frontages. Extra wide sidewalks will be provided along the streets. A new service drive will be created parallel to the highway. The total redevelopment would contain approximately 95,000 sq. ft. of office space; 66 dwelling units or apartments; and approximately 72,000 sq. ft. of retail on the ground level along the Boston Post Road and the new streets. Two new restaurant sites would be created adjacent to the Boston Post Road and the new green. The new green would measure approximately 120 feet x 140 feet. For comparison, the Grove Street Plaza measures approximately 45 ft. x 60 ft. Mr. Brewer continued to explain the project and noted that at the intersection of the Boston Post Road and Corbin Drive would be a three-story apartment building with retail on the ground floor. Proceeding southeasterly on Corbin Drive, a new four-story building would replace the existing three story office building on Corbin Drive and new two-story and five-story buildings would be built on Corbin Drive. Farther to the south and east on Corbin Drive would be a four-story building that would transition into six-stories as it is behind the other new buildings. Renderings of the various perspectives were shown. There would be balconies on the third floor apartments.

At about 9:00 P.M., David Genovese explained that per the current Zoning Regulations only two stories are allowed in the Central Business District (CBD) and a provision is made for a third story to be created if open space areas are created. He said that they have modified their plans since the last time they discussed their project with the Planning & Zoning Commission. Since then, they have made sure that all of the buildings along the Boston Post Road are three stories or less and all the buildings adjacent to the proposed green are three stories or less. He said that the new Market Lane street frontage will be used to create apartment buildings that will be mostly four stories in height and the taller six story building would be set back by public plazas and away from Market Lane. Only about 9% of the new roof area would be six stories tall. He said that no building would be over six stories in height. The office building along Corbin Drive would be four stories along the street and then five stories as it is set back farther from the street. The increase in building height allows them to pay for the burying of power lines along the street.

Mr. Genovese said that the existing retail stores and post office have approximately 48,000 square feet of floor area. Approximately 72,000 square feet of new retail floor area would be created. This equates to approximately a 23,500 square foot addition of retail space. Mr. Genovese said that the existing commercial properties include about 42,000 square feet of office space. The proposed redevelopment would have about 94,000 square feet of office space. This is an increase of approximately 52,000 square feet of office space. Approximately 66 apartments or dwelling units would be created. They would range in size from 1,500 – 2,000 square feet each and would be designed so that if a resident wants more square footage, they would be able to combine two adjacent units. Mr. Genovese said that he is aware that the Fire Marshal expressed concern about the lack of

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fire equipment for tall buildings. He said that four stories and above is considered medium-height buildings and the Town currently has a four story training tower.

At about 9:15 P.M., Attorney Maslan explained that the applicant has submitted proposed amendments to the text of the Zoning Regulations. They have not yet submitted a detailed Site Plan or Special Permit application because they need to know if the Commission will approve the requested amendments to the Regulations. Attorney Maslan said that one of the changes would be to amend Section 651, the Background and Purposes section within the Central Business District. Other changes include a new Area and Bulk table and a new parking concept. He said that the new street, such as Market Lane would be privately owned and maintained. He said that they are aware that they need on-site parking and that they would need a detailed parking management plan. One aspect of the amendments they are asking for is a reduction of the parking space size.

Mr. Olvany said that the proposed amendments include a request to have six stories of building above ground and that the height of the building would not exceed 95 feet. This is an average of 15 feet per floor, which is much greater than the typical floor to ceiling height within a building. Attorney Maslan responded that the building height is calculated for the entire building and when the buildings are large it is difficult to have a single average grade from which to measure building height. He said they are proposing to measure the building height from the average grade along the street frontage for the building rather than the ground height around the entire perimeter of the building. Attorney Maslan said that the parking garages below ground will not count as stories. In response to questions, Mr. Brewer said that the ground floor for retail stores needs to be 15-16 feet tall due to the need for 3 or 4 feet of mechanicals in the ceiling. Office spaces and residential spaces typically need to be 10 feet tall. Mr. Olvany calculated that if one story was 16 feet tall and the remaining five stories were each 12 feet tall that would only total 76 feet of building height being necessary. Why then are they asking for 95 feet? Mr. Brewer said that the additional building height will allow for the peaked roof and the fact that the building height is measured at the mid-point between the highest peak and highest eave. Mr. Olvany observed that based on that calculation the peak of the building could actually be over 100 feet in height. Mr. Maslan added that the extra height is to allow them flexibility.

In response to questions, Mr. Block said that the proposed parking garage would have two levels and a total of 750 parking spaces would be created underground and a few spaces would be created above ground. Mr. Genovese said that the proposed redevelopment does not count on the use of any municipal parking lots for the use. He said that they have calculated two parking spaces needed for each apartment, three parking spaces needed for each 1,000 square feet of office space and four parking spaces needed for each 1,000 square feet of retail and/or restaurant. In response to questions, Mr. Genovese said that access into the site will be from Corbin Drive and the Boston Post Road and access into the underground parking lots would also be from those two streets. The intent would be to have the layer of parking spaces closest to the street be for customers and the deeper level of parking would be for the residents of the apartments and the employees within the buildings.

At about 9:55 P.M., Mr. Sini asked why the proposal is a sub-area of the Central Business District (CBD) rather than an overlay zone. Attorney Maslan responded that the overlay zone allows the existing Zoning Regulations to be utilized or the overlay Zoning Regulations to be utilized. The overlay zone could be affixed anywhere. A sub-area zone is fixed to a specific location that has

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unique circumstances. He said that whether the Commission uses the overlay zone technique or a sub-area zone technique is a legislative decision for the Commission to make. He said that the CBD and this site in particular have different circumstances compared to the Goodwives Shopping Center area. He said that it would not be spot zoning because it affects over 11 acres of land. The uses permitted would be the same as those allowed in the CBD. Mr. Sini said that Section 658 uses the very subjective term on page A-12 of a "large development" without specifying how much land is involved. Mr. Voigt asked why there's not a minimum amount of acreage referred to. Attorney Maslan said that the Commission could refer to a minimum lot size, but noted that they are referring to the area to be rezoned as being measured from the center line of the street rather than just the property lines.

Mr. Sini asked about the proposed regulations on page A8-4 which would indicate that the Architectural Review Board had additional authority based on a two-thirds super majority of their own vote. He said that the Architectural Review Board is only advisory with respect to building design. Attorney Maslan said that the ZBA already has authority to grant signs with larger letters if a two-thirds vote of the ARB is inclined to do so. He claimed that the system works very well. Mrs. Cameron said she is also concerned about creating any new authority for the Architectural Review Board because it may or may not supersede the authority granted by the State Statutes to the Zoning Board of Appeals.

Mr. Sini asked about special events being allowed without Planning & Zoning Commission review and/or approval. Mr. Genovese said that the programming for this space will need to be flexible enough to have performers come to attract people. Mr. Sini said that it wouldn't have to be necessary to have some thresholds regarding the types of uses, whether they were farmers markets or art shows or concerts and the frequency and hours and scale of those special uses.

Mr. Sini asked about the affordable housing aspects of the project. He said that in the Regulations it notes that some units are being counted as two housing units if they are double restricted. Attorney Maslan said that the double restricted housing units might get more points from the State with respect to requesting a moratorium for affordable housing units. Mr. Genovese said that the Town could get 2.5 credits of each unit that is created that has a double restriction. Mr. Genovese said that the types of restrictions that are imposed will impact the points earned by the Town with respect to the Affordable Housing Moratorium. Attorney Maslan said that it is a very complicated formula.

Mr. Sini said that in previous comments from the Planning & Zoning Commission, they indicated that 4 and possibly 5 stories would be the maximum that they would feel comfortable with. He wondered why 6 stories are now being proposed despite the previous comments from the Commission. He asked that the applicant respond at the continuation of the public hearing on June 21<sup>st</sup>. Mrs. Cameron asked if the applicant addressed the question of an overlay zone versus a sub zone. She also said the applicant should be prepared to address why only 6% of the proposed parking would be at grade and 94% would be below ground. She also asked that if any person wants to provide comments to the Commission, they can submit them to the Director of Planning, Jeremy Ginsberg, who will forward them to the Commission.

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The following motion was made: That the Commission will continue the public hearing regarding this matter on June 21<sup>st</sup> at 8:00 P.M. in Darien Town Hall and will adjourn the meeting for the night. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 10:20 P.M.

Respectfully submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director

*05.31.2016min*